

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

GARBER BROS., INC.,

Plaintiff,

v.

LOUIS TROILO & HAROLD LEVINSON  
AND ASSOCIATES, LLC,

Defendants.

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Civil Action No. 15-cv-10148-IT

ORDER REGARDING SUBJECT MATTER JURISDICTION

May 7, 2015

TALWANI, D.J.

Defendant Louis Troilo (“Troilo”) removed this case to federal court on the basis of diversity jurisdiction. See Notice Removal [#1]. In his notice of removal, Troilo states that Plaintiff is incorporated and has its principal place of business in Massachusetts while Troilo is a citizen of New Jersey. Id. After removal, Plaintiff filed an amended complaint adding Defendant Harold Levinson and Associates, LLC (“Harold Levinson”). See Am. Compl. [#6]. Plaintiff states that the court retains diversity jurisdiction over the amended complaint because Harold Levinson “is a New York limited liability company with its principal place of business . . . [in] Farmingdale, New York.” Id. ¶ 5.

Unlike a corporation, the citizenship of a limited liability company is based on the citizenship of each of its members. See Pramco ex rel. CFSC Consortium v. San Juan Bay Marina, 435 F.3d 51, 54-55 (1st Cir. 2006). Under this rule, the jurisdictional allegations in the amended complaint are insufficient to show that the court would retain subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1332 even after Harold Levinson’s joinder.

Accordingly, Harold Levinson shall file by no later than May 21, 2015, a statement of its citizenship.

IT IS SO ORDERED.

May 7, 2015

/s/ Indira Talwani  
United States District Judge